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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/516,667	08/16/2005	Wilhelm Paul Wolf	20496-469	8758
21890	7590	04/30/2008		
PROSKAUER ROSE LLP PATENT DEPARTMENT 1585 BROADWAY NEW YORK, NY 10036-8299			EXAMINER KURTZ, BENJAMIN M	
			ART UNIT	PAPER NUMBER
			1797	
			MAIL DATE	DELIVERY MODE
			04/30/2008 PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/516,667

Applicant(s)

WOLF ET AL.

Examiner

BENJAMIN KURTZ

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 August 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 August 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
- Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claims 1-10 are currently pending.

Specification

1. The abstract of the disclosure is objected to because it exceeds 150 words in length. Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 2-6 and 8-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 2 recites the limitation "the walls that define the filter chamber". There is insufficient antecedent basis for this limitation in the claim. For examination purposes the filter chamber is assumed to have walls that define the chamber.

Claim 3 recites the limitation "the sealing surface". There is insufficient antecedent basis for this limitation in the claim. For examination purposes a sealing surface of the filter element is assumed to surround the outlet opening.

Claim 4 recites the limitation "the sealing surface". There is insufficient antecedent basis for this limitation in the claim. For examination purposes there is assumed to be a sealing surface on the filter element.

Claim 6 recites the limitation "the service openings" and "the tubular housing". There is insufficient antecedent basis for these limitations in the claim. For examination purposes there are assumed to be a service opening on each end face of the housing which is tubular in shape.

Claim 8 recites the limitation "the lids". There is insufficient antecedent basis for this limitation in the claim. For examination purposes there is assumed to be more than one lid.

Claim 10 recites the limitation "one of the lids" and "the other of the lids". There is insufficient antecedent basis for this limitation in the claim. For examination purposes there is assumed to be more than one lid.

Claims 5 and 9 are rejected as depending from rejected claims, thereby containing the same defects.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

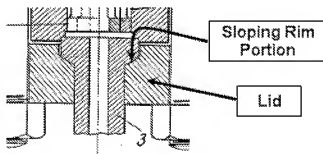
3. Claims 1-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Firth US 3 847 819.

Regarding claim 1, Firth teaches a device with an inlet opening (27), an outlet opening (25) and a metal housing (10a) enclosing a filter chamber, and having a service opening closed by means of a lid (17), also of metal, which is seated on a rim portion (10b) surrounding the service opening in direct contact with the metal of the housing, the rim surface of the rim portion associated with the lid sloping between its inner boundary edge that is that is associated with the service opening and its outer boundary edge such that the rime surface forms an angle deviating from 90 degrees with the adjacent inside surface and outside surface of the rim portion and the contact surface between the lid and the rim portion is limited to a fraction of the rim surface and wherein there is arranged inside the filter chamber a filter element (20) (fig. 1 and 3, col. 6, lines 24-44).

Regarding claims 2-8, Firth further teaches the filter element is a filter body which is seated on a wall that defines the filter chamber and through which the fluid can flow in the region of at least one of its peripheral surfaces (fig. 1); a sealing surface (23) of the filter element surrounds the outlet opening (fig. 1); the filter element is biased by resilient force acting from the filter chamber on the sealing surface (fig. 1); the filter element is cylindrical in shape (fig. 1); service openings (upper end and (12)) are formed on end faces of the tubular housing (fig. 1); the housing is tubular (fig. 1); and there are two lids (17 and the cap of element (13)) that are mutually tensioned (fig. 1).

4. Claims 1-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Hemmingsen US 1 802 423.

Regarding claim 1, Hemmingsen teaches a device with an inlet opening, an outlet opening, and a housing (1) enclosing a filter chamber and having a service opening closed by means of a lid (3) which is seated on a rim portion surrounding the service opening in direct contact with the housing, the rim surface of the rim portion associated with the lid sloping between its inner boundary edge that is associated with the service opening and its outer boundary edge such that the rim surface from an angle deviating from 90 degrees with the adjacent inside surface and outside surface of the rim portion and the rim portion is limited to a fraction of the rim surface and wherein there is arranged inside the filter chamber a filter element (fig. 1 and 3, pg. 2 lines 1-15).



Regarding claims 2-10, Hemmingsen further teaches the filter element is a filter body which is seated on a wall that defines the filter chamber and through which the fluid can flow in the region of at least one of its peripheral surfaces (fig. 1); a sealing surface (6) of the filter element surrounds the outlet opening (fig. 1); the filter element is

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biased on the sealing surface, how the filter element is biased is a process limitation and does not positively recite a physical structure (fig. 1); the filter element is cylindrical in shape (fig. 1); service openings are formed on end faces of the tubular housing (fig. 1); the housing is tubular (fig. 1); there are two lids (4 and 17) that are mutually tensioned (fig. 1); the tensioning is obtained by tension bolts (fig. 1); and the inlet opening is formed in a lid and the outlet opening is formed in another lid (fig. 1).

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to BENJAMIN KURTZ whose telephone number is (571)272-8211. The examiner can normally be reached on Monday through Friday 8:00am to 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Sample can be reached on 571-272-1376. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Benjamin Kurtz
Examiner
Art Unit 1797

4/23/08 /BK/

/Krishnan S Menon/
Primary Examiner, Art Unit 1797